

Please type a plus sign (+) inside this box [+]

PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. B00-016-2

First Named Inventor or Application Identifier Glazer et al.

Title Multifunctional Recombinant Phycobiliprotein-Based Fluorescent Constructs and Phycobilisome Display

Express Mail Label No. EV324953035US

EV324953035US

17858 U.S. PTO
10/617208
07/10/03

ADDRESS TO: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. X *Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. X Applicant claims small entity status (see 37 CFR 1.27)
3. X Specification (Total Pages 78)
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claims
 - Abstract of the Disclosure
4. Drawings(s) (35 USC 113) (Total Sheets)
5. X Oath or Declaration (Total Pages 1)
 - a. Newly Executed (Original or Copy)
 - b. X Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed)
 - i. DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission

(if applicable, all necessary)

- a. ☐ Computer Readable Form (CRF)
b. ☐ Specification Sequence Listing on: i. ☐ CD-ROM or CD-R (2 copies); or ii. ☐ paper
c. ☐ Statement verifying identity of above copies
d. ☐ Request to use CRF from another application

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & documents(s))
10. ☐ 37 CFR 3.73(b) Statement (where there is an assignee)
☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ a. Information Disclosure Statement (IDS)/PTO-1449 and copy of EU Srch Rept (4p)
☐ b. Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Other: Transmittal Letter (1p) and copy of Glazer, 1994 ref (8p)

17. Priority

This application claims priority to prior application No: 09/469,194, filed December 21, 1999, having the same title and inventors

Prior application information: Examiner Kam, Chih Min Group Art Unit 1653

The entire disclosure of the prior application, from which an oath or declaration is supplied under 5b, is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. Correspondence Address

- ☒ Customer Number or Bar Code Label 23379
(Insert Customer No. or Attach Bar Code Label here)
or
☒ Correspondence Address Below

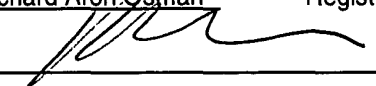
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Name: Richard Aron Osman Registration No: 36,627

Signature:  Date: 7/10/03

FEE TRANSMITTAL EFFECTIVE JANUARY 1, 2003

Fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$) \$433.00

Complete if Known:

Application No. Not yet assigned
Filing Date Herewith
First Named Inventor Glazer et al.
Group Art Unit 1653
Examiner Name Kam, Chih Min
Attorney Docket No. B00-016-2

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees to:
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 and credit any over payments to:
- ☒ Applicant claims small entity status. See 37 CFR 1.27
- Deposit Account Number 19-0750
Deposit Account Name Science & Technology Law Group
2. ☒ Payment Enclosed
☒ Check
☐ Money Order
☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
101	750	201	375	Utility application filing fee	<u>375.</u>
106	330	206	165	Design application filing fee	<u> </u>
107	520	207	260	Plant filing fee	<u> </u>
108	750	208	375	Reissue filing fee	<u> </u>
114	160	214	80	Provisional application filing fee	<u> </u>
SUBTOTAL (1)					\$ 375.00

2. CLAIMS

2. CLAIMS				Extra	Fee from below	Fee Paid
Total Claims	<u>22</u>	- 20 =	<u>2</u>	X	<u>9.</u>	= <u>18.</u>
Independent Claims	<u>1</u>	- 3 =	<u>0</u>	X	<u> </u>	= <u>0</u>
Multiple Dependent Claims			<u>0</u>	X	<u> </u>	= <u>0</u>
<u>Large Entity</u>	<u>Small Entity</u>					
F e	Fee	Fee	Fee			
<u>Code</u>	<u>(\$)</u>	<u>Code</u>	<u>(\$)</u>	<u>Fee Description</u>		<u>Fee Paid</u>
103	18	203	9	Claims in excess of twenty		<u>18.00</u>
102	84	202	42	Independent claims in excess of 3		<u>0</u>
104	280	204	140	Multiple dependent claim		<u>0</u>
109	84	209	42	Reissue independent claims over original patent		<u>0</u>
110	18	210	9	Reissue claims in excess of 20 and over original patent		<u>0</u>
SUBTOTAL (2)						\$ 18.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

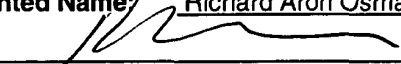
<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	410	216	205	Extension for response within second month	
117	930	217	465	Extension for response within third month	
118	1,450	218	725	Extension for response within fourth month	
128	1,970	228	985	Extension for response within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive unavoidably abandoned application	
141	1,300	241	650	Petition to revive unintentionally abandoned application	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	750	246	375	For filing a submission after final rejection (see 37 CFR 1.129(a))	
149	750	249	375	For each additional invention to be examined (see 37 CFR 1.129(a))	
Other fee (specify) _____					
Other fee (specify) _____					

SUBTOTAL (3) \$ 40.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name Richard Aron Osman

Signature  Date July 10, 2003

Reg. Number 36,627 Deposit Account User ID _____ (complete if applicable)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Glazer et al.

Group Art Unit: 1653

Serial No. Not yet assigned

Examiner: Kam, Chih Min

Filed: Herewith

Attorney Docket No. B00-016-2

For: *Multifunctional Recombinant
Phycobiliprotein-Based Fluorescent
Constructs and Phycobilisome
Display*

Date: July 10, 2003

This is a divisional of USSN 09/469,194,
filed 12/21/99, now allowed, having the
same title and inventors

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:


This is a divisional application of allowed, copending Serial No. 09/469,194, filed December 21, 1999, having the same title and inventors. A second continuing application of allowed, copending Serial No. 09/469,194, filed December 21, 1999, having the same title and inventors is also being filed today.

The enclosed specification is identical to the parent (Serial No. 09/469,194) except for addition of cross-related application information on p.1, further characterizing on p.4, the prior art Glazer et al (1994) reference (enclosed) as disclosing exploiting intermolecular energy transfer by functionally coupling fluorescent phycobiliprotein tags with other fluorescent tags, such as cyanine dyes (see, Glazer, 1994 at p.109), and inserting a new set of claims.

The claims are directed to cells comprising the fusion proteins claimed in allowed, copending 09/469,194. Support for the recited luminescent properties is found, inter alia, on p.5, lines 7-17. Support for the recited cell types is found, inter alia, at p.4, lines 14-15. That oligomeric phycobiliproteins comprising the fusion proteins provide specific labeling reagents, tags and phycobiliprotein-labeled fluorescent reagents is found, inter alia, on p.2, lines 4-9; p.2, lines 12-13; p.2, line 28-29; and p.6, line 20.

This submission introduces no new matter.

Respectfully submitted,
SCIENCE & TECHNOLOGY LAW GROUP


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